

# EXHIBIT 4

Alexander Saitov

April 5, 2023

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA</p> <p>RANDY LUNDY, ) Plaintiff, ) ) -vs- ) No. CIV-22-699-F ) HL MOTOR GROUP, INC., ET ) AL., ) Defendants. )</p> <p>FARMERS MUTUAL FIRE INSURANCE ) COMPANY OF OKARCHÉ, ) Plaintiff, ) ) -vs- ) ) HL MOTOR GROUP, INC., ET AL. ) Defendants. )</p> <p>VIDEOTAPED/TELECONFERENCE DEPOSITION OF ALEXANDER SAITOV TAKEN ON BEHALF OF FARMERS MUTUAL FIRE INSURANCE COMPANY OF OKARCHÉ ON APRIL 5, 2023</p> <p>REPORTED BY: MARTA MATTINGLY, CSR, RMR</p>	<p>1 CONTENTS</p> <p>2 DIRECT EXAMINATION BY MR. PIGNATO ..... 5</p> <p>3 CROSS EXAMINATION BY MR. STEWART ..... 38</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 EXHIBIT NUMBER 1 ..... 18</p> <p>7 EXHIBIT NUMBER 2 ..... 30</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES</p> <p>2</p> <p>3 For Randy Lundy: Rodney Stewart (via Zoom) STEWART LAW FIRM Attorney at Law 801 N.W. 63rd, Suite 100 Oklahoma City, OK 73116 rds@rstewartlaw.com</p> <p>6 For Farmers: Gerard Pignato (via Zoom) RYAN, WHALEY Attorney at Law 400 North Walnut Oklahoma City, OK 73104 jerry@ryanwhaley.com</p> <p>9</p> <p>10 For HL Motor Group Michael Franz and Ognjen Milanovic: LEWIS, BRISBOIS (via zoom) Attorney at Law 1605 West Adams, #300 Chicago, IL 60661 michael.franz@lewisbrisbois.com</p> <p>13 Also present: Eric Keiffer - Videographer (via Zoom) J. Butterworth</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and agreed by and</p> <p>3 between the parties hereto, through their respective</p> <p>4 attorneys, that the deposition of ALEXANDER SAITOV may</p> <p>5 be taken on behalf of Farmers on April 5, 2023, via</p> <p>6 Zoom, by Marta Mattingly, Certified Shorthand Reporter</p> <p>7 within and for the State of Oklahoma, pursuant to notice</p> <p>8 and agreement.</p> <p>9 It is further stipulated and agreed by and</p> <p>10 between the parties hereto, through their respective</p> <p>11 attorneys, that the deposition is taken pursuant to The</p> <p>12 Federal Rules of Civil Procedure.</p> <p>13</p> <p>14 * * * * *</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 41</p> <p>1 A Correct.</p> <p>2 <b>Q There's a lot of responsibility involved in</b></p> <p>3 <b>the operation of a truck that large, that can cause this</b></p> <p>4 <b>much damage; agree?</b></p> <p>5 A Absolutely.</p> <p>6 <b>Q Is HL also concerned, not only about his truck</b></p> <p>7 <b>driver's safety, but about the safety of those who may</b></p> <p>8 <b>be injured and damaged in trucking accidents?</b></p> <p>9 A Absolutely, correct.</p> <p>10 <b>Q All right. A lot of times we are talking</b></p> <p>11 <b>about the loss of life and limb. In this case, we are</b></p> <p>12 <b>talking about the loss of property. But nonetheless, we</b></p> <p>13 <b>have victims of this accident; agree?</b></p> <p>14 A Can you please clarify victims as?</p> <p>15 <b>Q Sure. Persons who lose significant property</b></p> <p>16 <b>or their property is significantly damaged are victims</b></p> <p>17 <b>in this truck collision; agree?</b></p> <p>18 A Victims in this sense, agree.</p> <p>19 <b>Q As a responsible motor carrier, does HL</b></p> <p>20 <b>educate itself about the various issues that can affect</b></p> <p>21 <b>truckers performing at their physical and mental best</b></p> <p>22 <b>while driving?</b></p> <p>23 A Yes, it does.</p> <p>24 <b>Q That's a key part of what you previously did</b></p> <p>25 <b>as safety manager and what you are in charge of as the</b></p>	<p style="text-align: right;">Page 43</p> <p>1 had rest, how long he drove.</p> <p>2 In regards to dehydration, what is the</p> <p>3 objective measurement of the extent of dehydration and</p> <p>4 what is the objective for criteria?</p> <p>5 <b>Q Mr. --</b></p> <p>6 A Dehydration to what extent? Do they lose five</p> <p>7 percent of water, do they lose twenty percent of water</p> <p>8 in the bloodstream? So we need -- I need to understand</p> <p>9 what we are talking about here.</p> <p>10 <b>Q Dehydration, that causes a driver to not</b></p> <p>11 <b>perform at his physical or mental best?</b></p> <p>12 A What is the threshold? Give me the unit of</p> <p>13 measurement.</p> <p>14 <b>Q Well --</b></p> <p>15 A It's percent of water in the blood, give me,</p> <p>16 please, the unit of measurement, objective unit of</p> <p>17 measurement, not some speculation about dehydration as</p> <p>18 motional (sic) dehydration.</p> <p>19 <b>Q Are you finished? Are you finished and ready</b></p> <p>20 <b>to answer my questions?</b></p> <p>21 A Sure.</p> <p>22 <b>Q Okay. If you will stick with answering my</b></p> <p>23 <b>questions, we will get through this a lot faster. All</b></p> <p>24 <b>right?</b></p> <p>25 A Sure.</p>
<p style="text-align: right;">Page 42</p> <p>1 vice-president of safety; agree?</p> <p>2 A That is correct.</p> <p>3 <b>Q All right. The various issues that can affect</b></p> <p>4 <b>drivers performing at their physical and mental best,</b></p> <p>5 <b>does that include drunk driving?</b></p> <p>6 A Of course.</p> <p>7 <b>Q Yeah. Does it include drivers under the</b></p> <p>8 <b>influence of methamphetamines or other drugs?</b></p> <p>9 A Of course.</p> <p>10 <b>Q Does that include fatigue driving?</b></p> <p>11 A Absolutely.</p> <p>12 <b>Q And finally, sir, does it include driving</b></p> <p>13 <b>while dehydrated?</b></p> <p>14 A Driving while dehydrated, that's -- that might</p> <p>15 be some negative factor. But driving while being</p> <p>16 dehydrated, but to what extent dehydrate?</p> <p>17 <b>Q Well, I am asking you, as a former safety</b></p> <p>18 <b>manager, now vice-president of safety of this company,</b></p> <p>19 <b>did this --</b></p> <p>20 A In regard to everything you listed before,</p> <p>21 like in regard to drugs, there is a precise test which</p> <p>22 can measure the presence of any drug in the blood. In</p> <p>23 regards to alcohol, we can perfectly measure any blood</p> <p>24 concentration. In regard to fatigue, we have logbook,</p> <p>25 which clearly can give us an idea for how long driver</p>	<p style="text-align: right;">Page 44</p> <p>1 <b>Q Okay. So as a responsible motor carrier, is</b></p> <p>2 <b>HL aware of the prevalence of long-haul truck drivers</b></p> <p>3 <b>being affected by dehydration?</b></p> <p>4 A We are aware of our drivers are able to carry</p> <p>5 bottles of water and necessary supply of water and --</p> <p>6 I'm sorry. Can you repeat the question again?</p> <p>7 <b>Q Sure. And let me preface it by saying this, I</b></p> <p>8 <b>spent about, oh, five minutes before this deposition</b></p> <p>9 <b>began by Googling dehydration, truck drivers. Okay?</b></p> <p>10 <b>And I am telling you, if you didn't notice</b></p> <p>11 <b>already, there's a world of information out there on the</b></p> <p>12 <b>worldwide web regarding the prevalence and the dangers</b></p> <p>13 <b>of truckers becoming dehydrated while operating these</b></p> <p>14 <b>heavy motor vehicles.</b></p> <p>15 <b>Before I just told you that, sir, were you</b></p> <p>16 <b>aware of that, the vast amount of information that is</b></p> <p>17 <b>available to a responsible trucking company on this</b></p> <p>18 <b>topic?</b></p> <p>19 A You know, I am aware of various risks that</p> <p>20 pose dangers for our drivers, not only about</p> <p>21 dehydration, but about other risks, as well.</p> <p>22 <b>Q My question to you has to do with whether</b></p> <p>23 <b>these dangers include dehydration?</b></p> <p>24 A Again, if we are talking about dehydration to</p> <p>25 the extreme level, then I -- I would agree with you that</p>

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1 it might pose a serious danger. But, again, don't get  
 2 me wrong, I need to ask probably a question to  
 3 understand about what level of dehydration we are  
 4 talking about.  
 5 **Q Well, is any level of alcohol acceptable?**  
 6 A For commercial drivers, no.  
 7 **Q Okay.**  
 8 A Zero tolerance, zero.  
 9 **Q Sir, I am simply asking you, as the safety --**  
 10 **vice-president of safety for this company, is**  
 11 **dehydration a concern or not?**  
 12 A It is a concern.  
 13 **Q Okay. And is it a concern because HL Motor**  
 14 **Group is aware of the concept or the prevalence of**  
 15 **drivers being affected negatively by dehydration, in**  
 16 **their performance and operation of motor vehicles?**  
 17 A We are aware.  
 18 **Q Okay. So you are aware. And so does the**  
 19 **industry, and does HL in particular, in your opinion,**  
 20 **recognize the kind of dilemma or conflict of interest**  
 21 **that truck drivers face regarding hydration on the one**  
 22 **hand, versus too many breaks, too many stops to go to**  
 23 **the restroom, are you aware of that concept, that kind**  
 24 **of conflict of interest that exists?**  
 25 A I can't speak for the industry. But, again,

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1 speaking about our company, it's a law when you travel  
 2 in the United States you have to take mandatory rest  
 3 breaks. So when it comes to our company, I don't see  
 4 any conflict.  
 5 **Q Do you understand, though, that drivers are**  
 6 **behind the wheel for literally hours at a time, and they**  
 7 **have got this kind of conflict internally, do I drink,**  
 8 **do I drink too much, am I going to have to pull over, go**  
 9 **to the restroom? Is HL aware of that problem, that**  
 10 **issue.**  
 11 A I sincerely believe that medical  
 12 professionals, who are developing and developed the  
 13 rules for hours of service regulations, that require  
 14 drivers to take mandatory rest breaks, they knew what  
 15 they were doing and they factored, they need to take  
 16 rest breaks, also in order to -- for drivers, to give  
 17 them an opportunity to drink water.  
 18 **Q How often is a mandatory rest break?**  
 19 A Minimum, every eight hours.  
 20 **Q Eight hours. So you think eight hours is**  
 21 **adequate, in terms of driving down the road, consuming**  
 22 **enough water to stay hydrated, okay, but, yet, not need**  
 23 **to pull over and go to the restroom for eight hours?**  
 24 A Sir, that's the maximum for -- it's a  
 25 mandatory requirement by law.

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1 **Q Minimum.**  
 2 A Eight hours. Yes. That's the requirements by  
 3 law, eight hours. That's the maximum amount of time. I  
 4 meant to say maximum amount of time they may drive  
 5 without a rest break.  
 6 **Q And so you think the folks that implemented**  
 7 **those standards, you think they took into account the**  
 8 **fact that drivers are going to be consuming liquids**  
 9 **while they drive, and so you think that's adequate, to**  
 10 **pull over every eight hours or so to go to the restroom?**  
 11 A Yes. I think it's adequate.  
 12 **Q Okay. So as a responsible motor carrier, is**  
 13 **HL aware of any studies regarding the effects of**  
 14 **dehydration on truck drivers?**  
 15 A I personally can speak for myself. I am not  
 16 aware of any specific studies.  
 17 **Q Okay. And you have served as safety manager**  
 18 **or a higher safety position for the last nine years for**  
 19 **this company; correct?**  
 20 A Well, less, but you are correct.  
 21 **Q And so you have never done anything to educate**  
 22 **yourself or make yourself aware of any studies regarding**  
 23 **the effects of dehydration on truck drivers?**  
 24 A We -- no.  
 25 **Q So is HL aware that while driving, even while**

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1 **mildly dehydrated, is the same as drunk driving? Are**  
 2 **you aware of that?**  
 3 A Sir, what is the definition of mildly  
 4 dehydrated? What is the quantitative measurement of that?  
 5 **Q Well, I can't tell you the specifics. But**  
 6 **based on my question and the studies that have looked**  
 7 **into the issue, sufficient amount of dehydration that**  
 8 **one operates a motor vehicle in the same capacity as**  
 9 **though they were drunk. Does that help you.**  
 10 A Not at all.  
 11 **Q Okay. So you are not aware that driving while**  
 12 **dehydrated is the equivalent of driving while drunk?**  
 13 A Sir, I don't understand, what does it mean,  
 14 mildly dehydrated? And you are not able -- you,  
 15 yourself, are not able to give definition of that.  
 16 **Q To the extent that it impairs one's ability to**  
 17 **operate a vehicle.**  
 18 A (No response)  
 19 **Q I am simply asking HL's vice-president of**  
 20 **safety if you are aware of the concept that dehydration**  
 21 **can affect --**  
 22 A Sir --  
 23 **Q -- can affect one's ability to safely operate**  
 24 **one of these giant motor vehicles?**  
 25 A Sir, there is a big distinction, a difference,

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<p style="text-align: right;">Page 49</p> <p>1 between impairment, when driver is impaired by whatever</p> <p>2 reason is, by fatigue or by dehydration, to the extent</p> <p>3 that he is not able to control the vehicle and the</p> <p>4 reason of that as mild dehydration. So I don't</p> <p>5 understand what it means. Give me an objective</p> <p>6 definition of -- definition of mild dehydration.</p> <p>7 <b>Q I can't -- I can't give you a medical</b></p> <p>8 <b>definition. But I am simply -- the purpose of my</b></p> <p>9 <b>questions today is just to find out if you are aware of</b></p> <p>10 <b>the concept, that dehydration leads to impairment, leads</b></p> <p>11 <b>to a driver not being his physical and mental best? Are</b></p> <p>12 <b>you aware of it or not?</b></p> <p>13 A As I previously mentioned, I would agree that</p> <p>14 extreme dehydration, to the extreme levels, to the</p> <p>15 extreme levels, would lead to the impairment, which</p> <p>16 would affect the ability to operate a commercial motor</p> <p>17 vehicle.</p> <p>18 <b>Q All right. And do you agree that an extreme</b></p> <p>19 <b>level of dehydration would be a preventable circumstance</b></p> <p>20 <b>by the driver?</b></p> <p>21 A I would agree.</p> <p>22 <b>Q If a person had dehydration to the extent that</b></p> <p>23 <b>they lost consciousness, you would agree that would be</b></p> <p>24 <b>preventable by the truck driver?</b></p> <p>25 A I would agree.</p>	<p style="text-align: right;">Page 51</p> <p>1 <b>Q And you also would agree a driver is</b></p> <p>2 <b>responsible for keeping himself physically and mentally</b></p> <p>3 <b>alert while driving; agree?</b></p> <p>4 A Can you repeat it again?</p> <p>5 <b>Q Sure. A driver is responsible for keeping</b></p> <p>6 <b>himself physically and mentally alert while driving?</b></p> <p>7 A Absolutely.</p> <p>8 <b>Q All right. A driver is responsible for</b></p> <p>9 <b>ensuring that he or she is properly hydrated at all</b></p> <p>10 <b>times to avoid any negative effects of dehydration;</b></p> <p>11 <b>agree?</b></p> <p>12 A Can you repeat again?</p> <p>13 <b>Q Sure. A driver is responsible for ensuring</b></p> <p>14 <b>that he or she is properly hydrated at all times to</b></p> <p>15 <b>avoid any negative health consequences of the</b></p> <p>16 <b>dehydration, that might impair the ability to drive?</b></p> <p>17 A Agree.</p> <p>18 <b>Q And, of course, a driver is responsible for</b></p> <p>19 <b>being aware of the signs of fatigue or dizziness or</b></p> <p>20 <b>weakness or any other symptom that could impair one's</b></p> <p>21 <b>ability to operate a 55,000-pound motor vehicle at</b></p> <p>22 <b>seventy-five miles per hour safely; agree?</b></p> <p>23 A Agree.</p> <p>24 <b>Q And in this context, I want you to assume that</b></p> <p>25 <b>Mr. Milanovic was dehydrated and that's why, as you say,</b></p>
<p style="text-align: right;">Page 50</p> <p>1 <b>Q All right. So does HL provide any new hire,</b></p> <p>2 <b>long-haul, truck drivers any training regarding proper</b></p> <p>3 <b>hydration?</b></p> <p>4 A That is not part of our training program.</p> <p>5 <b>Q Does HL have any policies in place to prevent</b></p> <p>6 <b>incidents of driver dehydration?</b></p> <p>7 A It's not of our policies.</p> <p>8 <b>Q So, then, is it HL's position that proper</b></p> <p>9 <b>hydration for its drivers is solely the responsibility</b></p> <p>10 <b>of the truck driver?</b></p> <p>11 A It is obviously a responsibility of the truck</p> <p>12 driver. But, again, what HL does, it enforces hours of</p> <p>13 service policy, requiring drivers to take rest breaks,</p> <p>14 specifically for their needs of drinking water, eating</p> <p>15 properly, and other issues relating to their health and</p> <p>16 well-being.</p> <p>17 <b>Q All right. So as long as the driver stops at</b></p> <p>18 <b>least once every eight hours, then the responsibility to</b></p> <p>19 <b>stay hydrated rests solely with the driver?</b></p> <p>20 A Responsibility stays, yes, with the truck</p> <p>21 driver, yes.</p> <p>22 <b>Q And I think you have already said this, but</b></p> <p>23 <b>just to be clear, do you agree that dehydration is</b></p> <p>24 <b>100 percent avoidable?</b></p> <p>25 A Dehydration is 100 percent avoidable, yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 <b>he lost consciousness. All right?</b></p> <p>2 A Not all right.</p> <p>3 <b>Q Say again?</b></p> <p>4 A Not all right. You want me to assume. I</p> <p>5 don't assume.</p> <p>6 <b>Q Well, you do assume, and you've testified</b></p> <p>7 <b>previously to Mr. Pignato, you do assume that your</b></p> <p>8 <b>driver lost consciousness before he left the roadway;</b></p> <p>9 <b>correct?</b></p> <p>10 A Correct.</p> <p>11 <b>Q All right. So I want you to assume for the</b></p> <p>12 <b>moment that your defense in this case, whether you know</b></p> <p>13 <b>it or not, is that your driver was dehydrated and that's</b></p> <p>14 <b>why he lost consciousness. Okay? Will you make that</b></p> <p>15 <b>assumption with me for purposes of these questions?</b></p> <p>16 A So you just want me to hypothetically assume?</p> <p>17 <b>Q I want you to assume my hypothetical, which</b></p> <p>18 <b>is, your driver lost consciousness because he was</b></p> <p>19 <b>dehydrated, yes. Will you assume that for purposes of</b></p> <p>20 <b>my question?</b></p> <p>21 A For the purposes of -- just for the sake of</p> <p>22 the question, I can hypothetically assume it.</p> <p>23 <b>Q So you would agree, if those were the facts,</b></p> <p>24 <b>that would be a self-induced condition, that is,</b></p> <p>25 <b>dehydration?</b></p>

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<p style="text-align: right;">Page 53</p> <p>1 A That would be self-induced, sorry, what?</p> <p>2 <b>Q The condition, the medical condition here, of</b></p> <p>3 <b>dehydration, would be self-induced; agree?</b></p> <p>4 A Medical condition. So dehydration as a</p> <p>5 medical condition will be self-induced by the driver;</p> <p>6 right?</p> <p>7 <b>Q That's my question to you. If the driver</b></p> <p>8 <b>becomes dehydrated and that's the reason he lost</b></p> <p>9 <b>consciousness, that is a self-induced medical condition;</b></p> <p>10 <b>agree?</b></p> <p>11 A Agree.</p> <p>12 <b>Q Entirely preventable by the driver?</b></p> <p>13 A Absolutely preventable.</p> <p>14 <b>Q All right. Now, I want you to also assume</b></p> <p>15 <b>that the driver, your driver, has testified in this case</b></p> <p>16 <b>that one of the problems he was having while driving on</b></p> <p>17 <b>this hot, summer day through Missouri and Oklahoma in</b></p> <p>18 <b>ninety plus degree temperatures is that the</b></p> <p>19 <b>air-conditioning unit of his truck was not functioning</b></p> <p>20 <b>properly. Okay? Will you make that assumption with me?</b></p> <p>21 A Okay. Let's make an assumption.</p> <p>22 <b>Q Okay. You agree with me, that would also be a</b></p> <p>23 <b>preventable factor; right, sir?</b></p> <p>24 A In terms of repair of conditioner, yes.</p> <p>25 <b>Q So if a driver is feeling fatigued or dizzy</b></p>	<p style="text-align: right;">Page 55</p> <p>1 <b>safely, you would expect him to pull over as soon as it</b></p> <p>2 <b>was safe to do so?</b></p> <p>3 A Absolutely.</p> <p>4 <b>Q If a driver fails to do that, puts himself in</b></p> <p>5 <b>a state of dehydration by not consuming sufficient</b></p> <p>6 <b>fluids, not getting enough minerals, maybe operating a</b></p> <p>7 <b>truck that's too hot, and succumbs to this condition and</b></p> <p>8 <b>a collision results, you would agree that collision is</b></p> <p>9 <b>entirely that driver's fault?</b></p> <p>10 A I wouldn't.</p> <p>11 <b>Q You wouldn't agree with that?</b></p> <p>12 A I wouldn't agree with it.</p> <p>13 <b>Q So what part of it do you disagree with?</b></p> <p>14 A Not necessarily dehydration would play such a</p> <p>15 role, that it would affect his ability to operate the</p> <p>16 motor vehicle to such extent that he wouldn't be able to</p> <p>17 operate safely.</p> <p>18 <b>Q So you are saying you don't -- you don't know</b></p> <p>19 <b>if that occurred here?</b></p> <p>20 A As I previously said, your assumption implies</p> <p>21 that any sign, any sign. I, again, am pretty sure that</p> <p>22 only extreme level dehydration would lead to the</p> <p>23 condition where he is not able to operate the vehicle</p> <p>24 safely.</p> <p>25 <b>Q Let's see if you and I can agree on something.</b></p>
<p style="text-align: right;">Page 54</p> <p>1 <b>due to dehydration, brought about by the absence of</b></p> <p>2 <b>fluids and/or the rising temperatures in his truck,</b></p> <p>3 <b>those are preventable factors; correct?</b></p> <p>4 A Correct.</p> <p>5 <b>Q All right. A driver is responsible for</b></p> <p>6 <b>pulling over immediately on any signs or symptoms of</b></p> <p>7 <b>dehydration or other health factors that influence his</b></p> <p>8 <b>ability to drive the truck safely; right?</b></p> <p>9 A No.</p> <p>10 <b>Q He is not responsible for pulling over</b></p> <p>11 <b>immediately among signs or symptoms that he can't</b></p> <p>12 <b>properly operate the truck?</b></p> <p>13 A Not necessarily immediately.</p> <p>14 <b>Q Well, as soon as he can do so safely.</b></p> <p>15 A As soon as he can do it safely.</p> <p>16 <b>Q All right. You wouldn't want him slamming on</b></p> <p>17 <b>the brakes in the middle of the highway; right?</b></p> <p>18 A Right.</p> <p>19 <b>Q If he couldn't get adequately off the roadway,</b></p> <p>20 <b>and therefore became a hazard on the side of the road,</b></p> <p>21 <b>you wouldn't want that; right?</b></p> <p>22 A Right.</p> <p>23 <b>Q But as soon as a truck driver could get to an</b></p> <p>24 <b>exit, if he's having signs or symptoms of heat or other</b></p> <p>25 <b>health issues that prevent him from operating the truck</b></p>	<p style="text-align: right;">Page 56</p> <p>1 <b>Does it seem plausible or implausible to you that a</b></p> <p>2 <b>person would drive a good part of a hot August day in</b></p> <p>3 <b>Missouri and Oklahoma, while suffering from such severe</b></p> <p>4 <b>dehydration, that he loses consciousness and runs off</b></p> <p>5 <b>the road, yet, he wouldn't have any symptoms at all</b></p> <p>6 <b>before the moment he lost consciousness? Does that seem</b></p> <p>7 <b>plausible or implausible?</b></p> <p>8 A You know, speaking about some hypothetical --</p> <p>9 <b>Q Plausible or implausible, sir?</b></p> <p>10 A Can I please answer your question?</p> <p>11 <b>Q You can answer the question, then you can</b></p> <p>12 <b>elaborate all you would like. Does that seem plausible</b></p> <p>13 <b>or implausible?</b></p> <p>14 A Sir, would you allow me to answer the</p> <p>15 question? I will answer the question.</p> <p>16 <b>Q I would ask that you do so. Is it plausible</b></p> <p>17 <b>or implausible? Then you can explain your answer.</b></p> <p>18 A My explanation is that, specifically in case</p> <p>19 of Ognjen Milanovic, looking at his logbook, took a</p> <p>20 restroom break three hours before the accident, it's</p> <p>21 not -- it's not possible in his situation, because he</p> <p>22 had three hours before that took a rest break of</p> <p>23 forty-five minutes, as I see on his logbook.</p> <p>24 And for me, three hours of driving is not</p> <p>25 enough to get to such a level of dehydration, that he</p>

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<p style="text-align: right;">Page 57</p> <p>1 would be able to lose control, lose consciousness, lose 2 control of his vehicle.</p> <p>3 Maybe in some other case it's plausible, with 4 some other guy, who probably, possibly drove without the 5 rest break, not three hours, but let's say, I don't 6 know, fifteen hours.</p> <p>7 But in his case, in his specific case, where 8 we know exactly that he took a break three hours before 9 the accident, that is not plaus -- it's not possible.</p> <p>10 <b>Q All right. I think we might be saying the 11 same thing, but let me try to make sure about that 12 before I move on. You are saying, that because this man 13 took a 45-minute break just three hours earlier, you 14 believe it is not plausible that he succumbed to 15 dehydration in an instant and lost consciousness and ran 16 off the road without experiencing any other symptoms 17 first? Do you agree with that?</b></p> <p>18 A Sir, I -- again, I am not medical 19 professional.</p> <p>20 <b>Q I accept that. I am asking for --</b></p> <p>21 A I don't know whether it happens in an instant. 22 I have no idea how it happens. Maybe it takes a few 23 minutes. I don't know. So if you could rephrase your 24 question, then I would be able to properly answer it.</p> <p>25 <b>Q I am not sure I can. You are relying on the</b></p>	<p style="text-align: right;">Page 59</p> <p>1 <b>your experience in life and as the safety manager for 2 this company, that it's possible for a person to succumb 3 to dehydration at such a fast rate, that the very first 4 sign of a problem was the loss of consciousness?</b></p> <p>5 A Sir, for all of my experience, and I think 6 I've had a relatively large experience with a large 7 number of accidents, I never, ever observed weakness 8 that dehydration played any such role.</p> <p>9 <b>Q In causing a driver to lose consciousness and 10 have a collision?</b></p> <p>11 A Yes.</p> <p>12 <b>Q All right. And you make a good point. I 13 mean, you've probably investigated hundreds of 14 accidents, a thousand or more?</b></p> <p>15 A I don't know the exact number. But from my 16 experience, I knew cases where drivers were able to 17 travel with not working AC and they were able to travel 18 large distances. And it didn't lead to the loss of -- 19 their ability to operate commercial vehicle was not 20 impaired to such -- to such a level, where they lost 21 consciousness and lost control of their vehicle.</p> <p>22 <b>Q Well, you make me pause and ask this, then. 23 You are telling me that you have seen situations where 24 drivers operate on hot days with not fully functioning 25 air-conditioning units.</b></p>
<p style="text-align: right;">Page 58</p> <p>1 <b>fact that this gentleman took a three-hour break -- I'm 2 sorry, a 45-minute break three hours before; right?</b></p> <p>3 A Yes. He took a rest, yeah.</p> <p>4 <b>Q And because of that, you do not believe that 5 he succumbed to dehydration, to the extent that he lost 6 consciousness and ran off the roadway; right?</b></p> <p>7 A I don't believe that he succumbed to, 8 specifically to the reason of dehydration.</p> <p>9 <b>Q Okay.</b></p> <p>10 A Because of dehydration.</p> <p>11 <b>Q You believe that makes no practical sense to 12 you?</b></p> <p>13 A Correct.</p> <p>14 <b>Q As the safety manager and/or vice-president of 15 safety for this company for some eight plus years; 16 right?</b></p> <p>17 A I think practically he took a rest break of 18 forty-five minutes, which is more than enough for him to 19 drink water, eat properly. And I don't believe that he 20 taking rest -- that rest break, wouldn't be able to do 21 it.</p> <p>22 <b>Q Would common sense, and I know you are not a 23 medical doctor, but would common sense, if dehydration 24 was the medical condition that caused him to lose 25 consciousness, if that's true, okay, do you believe, in</b></p>	<p style="text-align: right;">Page 60</p> <p>1 A Yeah.</p> <p>2 <b>Q And, yet, that didn't lead to, wasn't a 3 contributing cause, to the collision, is that what you 4 are telling us?</b></p> <p>5 A Yes.</p> <p>6 <b>Q All right. Then how is it that you, as the 7 safety manager or vice-president of safety, are aware of 8 the fact, that after a collision, there was a 9 nonfunctioning air-conditioning unit?</b></p> <p>10 A You mentioned the fact that the air 11 conditioner was not working.</p> <p>12 <b>Q Okay.</b></p> <p>13 A I am not aware of it.</p> <p>14 <b>Q You are not aware of any problems with the AC 15 units in the trucks --</b></p> <p>16 A No.</p> <p>17 <b>Q -- that you all put out on the roadway?</b></p> <p>18 A No.</p> <p>19 <b>Q Do you agree, as a responsible motor carrier, 20 HL is certainly aware of the critical need for properly 21 functioning air-conditioning units in its trucks; 22 correct?</b></p> <p>23 A Absolutely correct.</p> <p>24 <b>Q All right. And you, of course, are aware that 25 a poorly performing AC unit, particularly in the hot</b></p>

15 (Pages 57 to 60)



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<p style="text-align: right;">Page 61</p> <p>1 summer months, particularly in the south, can contribute</p> <p>2 to drivers overheating, becoming dehydrated, fatigued,</p> <p>3 et cetera; correct?</p> <p>4 A Correct.</p> <p>5 Q All right. So is HL responsible for ensuring</p> <p>6 that the AC units in its big rigs are functioning</p> <p>7 properly?</p> <p>8 A Correct.</p> <p>9 Q And at the same time is the driver responsible</p> <p>10 for reporting any problems with the AC unit in the truck</p> <p>11 he or she is driving?</p> <p>12 A Absolutely correct.</p> <p>13 Q All right. Is it -- is it acceptable to HL,</p> <p>14 that a driver from northern climates, on his very first</p> <p>15 trip for HL into the south in the hot summer months,</p> <p>16 drove ten plus hours on a ninety plus degree day with a</p> <p>17 poorly performing air-conditioning unit in his truck and</p> <p>18 did not report that to the company?</p> <p>19 A Yeah. That's -- that's not acceptable. A</p> <p>20 driver always -- any driver is supposed to report</p> <p>21 anything to the company right away.</p> <p>22 Q And you have investigated this accident</p> <p>23 thoroughly. Have you come across any evidence at all</p> <p>24 that your driver, Mr. Milanovic, reported to the company</p> <p>25 before, during, or after his trip, that the</p>	<p style="text-align: right;">Page 63</p> <p>1 you would agree with me that both of those things are</p> <p>2 entirely preventable by the company and/or the driver?</p> <p>3 A Again, given all -- if -- if the loss of</p> <p>4 consciousness is caused by dehydration, then, yes.</p> <p>5 Q All right. Can you show us -- it's going to</p> <p>6 be difficult, I don't know if you have the wherewith all</p> <p>7 or not to share your screen. It sounds like you have</p> <p>8 paper documents there.</p> <p>9 Can you show us, if you have to hold it up to</p> <p>10 your camera, that's fine. But I want to see breaks that</p> <p>11 this gentleman took in the five hours before his</p> <p>12 collision.</p> <p>13 All right. Now, I have seen that document in</p> <p>14 a colored form. Down at the bottom of that page, sir,</p> <p>15 is there a Bates stamp, a control number in the bottom</p> <p>16 right corner?</p> <p>17 A It says Report Time, there is a time stamp</p> <p>18 here.</p> <p>19 Q I am looking in the bottom right corner. Is</p> <p>20 there a control number there?</p> <p>21 A Bottom right corner, it's a page, it's not a</p> <p>22 control number.</p> <p>23 Q Okay. But the date of that log is the date of</p> <p>24 the accident?</p> <p>25 A The date is August 8th.</p>
<p style="text-align: right;">Page 62</p> <p>1 air-conditioning unit was performing poorly?</p> <p>2 A He had never reported any of that.</p> <p>3 Q Okay. Would it be acceptable, if that same</p> <p>4 driver in those same circumstances, driving ten plus</p> <p>5 hours in the heat, becomes dehydrated, loses</p> <p>6 consciousness, and drives off the road into family</p> <p>7 residences, is that acceptable to HL?</p> <p>8 A Absolutely not acceptable.</p> <p>9 Q All right.</p> <p>10 A I'm sorry, my camera.</p> <p>11 Q And do you agree, if those are the facts, the</p> <p>12 accident I just described, you would agree with me that</p> <p>13 accident would be entirely preventable?</p> <p>14 A Would I agree, this vehicle accident would be</p> <p>15 preventable?</p> <p>16 Q Yes. If the facts are as I laid out to you.</p> <p>17 And I am really focusing on two facts. You have got a</p> <p>18 poorly performing air-conditioning unit and a driver who</p> <p>19 becomes dehydrated to the point of losing consciousness.</p> <p>20 Those two factors are both entirely preventable, aren't</p> <p>21 they, sir?</p> <p>22 A So he -- if, again, we assume that he got</p> <p>23 dehydrated to the point of losing consciousness, if.</p> <p>24 Q Yes. And, in part, his dehydration was</p> <p>25 brought about by a poorly functioning air conditioner,</p>	<p style="text-align: right;">Page 64</p> <p>1 Q Okay. Can you take us through -- let's work</p> <p>2 our way backwards. When was the last time that truck --</p> <p>3 as I understand it, the logs -- you can put the exhibit</p> <p>4 down now. As I understand it, the logbooks are largely</p> <p>5 electronic; agreed?</p> <p>6 A They are all electronic.</p> <p>7 Q And as Mr. Milanovic explained in his</p> <p>8 deposition, a truck rolling down the road, it being in</p> <p>9 motion, results in what entry on the log? What's the</p> <p>10 magic language on the log that tells you that the truck</p> <p>11 is in motion?</p> <p>12 A Driving time.</p> <p>13 Q Driving time, okay. And if the truck is not</p> <p>14 in motion for how many minutes before it changes to</p> <p>15 another term?</p> <p>16 A It's a new vers -- it's a new model. So it's</p> <p>17 not even in minutes, it's literally -- maybe not in a</p> <p>18 second, but within one minute.</p> <p>19 Q Within one minute, okay. For purposes of our</p> <p>20 analysis here, we will just say within one minute.</p> <p>21 Okay? So when is the last time before this collision</p> <p>22 this truck was not in motion or under the category</p> <p>23 driving time?</p> <p>24 A Okay. Just a second.</p> <p>25 Q I am looking for two things, when and where.</p>

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<p style="text-align: right;">Page 65</p> <p>1 A Yeah. Just a second. Just give me -- exact.</p> <p>2 (Witness examines document)</p> <p>3 So last time -- I think first I need to</p> <p>4 explain that the time stamps on this logbook are given</p> <p>5 in Eastern time.</p> <p>6 <b>Q Understood, yeah, yeah.</b></p> <p>7 A You need to convert them into Central time.</p> <p>8 <b>Q For purposes of my analysis, just give me the</b></p> <p>9 <b>Eastern Standard time.</b></p> <p>10 A So for the purposes of your analysis, he</p> <p>11 stopped for four minutes at 17:13, which is roughly --</p> <p>12 Oh, I'm sorry, I'm sorry. I am looking wrong. I'm</p> <p>13 sorry. He stopped for three minutes, for three minutes,</p> <p>14 at 16:43.</p> <p>15 <b>Q 16:43.</b></p> <p>16 A 43 Eastern time.</p> <p>17 <b>Q And he was where?</b></p> <p>18 A He was in Choctaw. I'm sorry if I'm</p> <p>19 pronouncing it. Somewhere near Choctaw, Oklahoma.</p> <p>20 <b>Q Okay.</b></p> <p>21 A So which is probably twenty-seven minutes</p> <p>22 prior to the accident. So he stopped for three minutes.</p> <p>23 <b>Q Okay. And have you performed any</b></p> <p>24 <b>investigation whatsoever as to why he stopped his</b></p> <p>25 <b>forward progress for three minutes in Choctaw?</b></p>	<p style="text-align: right;">Page 67</p> <p>1 <b>minutes? You would agree with that?</b></p> <p>2 A That's difficult to answer your question. It</p> <p>3 would be really, really difficult to do it so fast.</p> <p>4 Maybe practically it's possible, but I agree that highly</p> <p>5 unlikely that three minutes is possible to do that.</p> <p>6 <b>Q All right. And then prior to that, when was</b></p> <p>7 <b>the truck last not in motion?</b></p> <p>8 A So prior to that?</p> <p>9 <b>Q Prior to 16:43.</b></p> <p>10 A Yes. Just give me a second.</p> <p>11 (Witness examines document)</p> <p>12 So prior to that he stopped somewhere in</p> <p>13 Joplin, Missouri. He stopped at 12:09 Eastern time,</p> <p>14 spent forty-five minutes off duty, taking his rest</p> <p>15 break.</p> <p>16 And then also I see two minutes on duty, then</p> <p>17 drove, maybe he just moved his truck a little bit,</p> <p>18 because he drove fifty-six seconds, just one minute, at</p> <p>19 the same location. And then he took twenty-eight</p> <p>20 minutes off on duty time at 12:58. And then he started</p> <p>21 driving at 13:26. So he departed from that place.</p> <p>22 <b>Q So with the exception of the fifty-six seconds</b></p> <p>23 <b>he was moving his truck, he was generally not in</b></p> <p>24 <b>motion --</b></p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 66</p> <p>1 A No.</p> <p>2 <b>Q All right. So I am going to represent to you,</b></p> <p>3 <b>you said the name earlier, the Kilpatrick Turnpike. You</b></p> <p>4 <b>are familiar enough -- you may not be familiar with</b></p> <p>5 <b>Oklahoma or Choctaw or the Kilpatrick Turnpike, but you</b></p> <p>6 <b>are generally familiar with the interstate highway</b></p> <p>7 <b>system and turnpikes --</b></p> <p>8 A Yeah.</p> <p>9 <b>Q -- throughout the US; correct</b></p> <p>10 A Correct.</p> <p>11 <b>Q You agree with me, that it would not be</b></p> <p>12 <b>possible to exit the highway, take a complete exit, get</b></p> <p>13 <b>off the road at a place where a person could go to a</b></p> <p>14 <b>restroom, buy a bottle of water, maybe get something to</b></p> <p>15 <b>eat, stretch their legs, and be back in motion at</b></p> <p>16 <b>highway speeds in three minutes? Do you agree?</b></p> <p>17 A Right on the highway, we are not talking about</p> <p>18 rest breaks, I agree it's not possible. Again, we need</p> <p>19 to understand whether it was a rest area or just the</p> <p>20 highway, as you just said.</p> <p>21 <b>Q Right. But you agree with me, you wouldn't be</b></p> <p>22 <b>able to fully take an exit, park one of those rigs at a</b></p> <p>23 <b>truck stop or a convenience store, a rest area with a</b></p> <p>24 <b>restroom, get out, go to the restroom, get back in the</b></p> <p>25 <b>truck, get it back to highway speeds, all in three</b></p>	<p style="text-align: right;">Page 68</p> <p>1 <b>Q -- from 12:09 until 13:26?</b></p> <p>2 A Correct.</p> <p>3 <b>Q All right. And then with the exception of the</b></p> <p>4 <b>three-minute stop somewhere near Choctaw, Oklahoma, he</b></p> <p>5 <b>was in motion from 13:26 until the time of the</b></p> <p>6 <b>collision?</b></p> <p>7 A Correct.</p> <p>8 <b>Q And the time of the collision, according to</b></p> <p>9 <b>the logbook?</b></p> <p>10 A The time of the collision would be roughly</p> <p>11 about -- just a second. I think it would be 17:13,</p> <p>12 around that time.</p> <p>13 <b>Q I think you would agree, that to the extent</b></p> <p>14 <b>that Mr. Milanovic was -- was feeling fatigued or</b></p> <p>15 <b>dehydrated, he had ample opportunity to remedy that</b></p> <p>16 <b>situation, so that he could perform at his physical and</b></p> <p>17 <b>mental best and not lose consciousness and run off the</b></p> <p>18 <b>roadway?</b></p> <p>19 A I would agree that he had ample opportunity to</p> <p>20 drink water, eat properly, and feel well, which I</p> <p>21 believe he did. And I don't see any reasons why he</p> <p>22 wouldn't.</p> <p>23 <b>Q So, therefore, if he was dehydrated to the</b></p> <p>24 <b>point of losing consciousness, if that's what occurred,</b></p> <p>25 <b>the accident would be entirely his fault; agree?</b></p>

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<p style="text-align: right;">Page 69</p> <p>1 A If he dehydrated to the point of losing</p> <p>2 consciousness, the accident would have been his fault.</p> <p>3 <b>Q And by extension, HL Motor Group's fault;</b></p> <p>4 <b>agree?</b></p> <p>5 A By extension, what do you mean by extension?</p> <p>6 <b>Q He's your driver. The law of agency applies,</b></p> <p>7 <b>his accident is your accident.</b></p> <p>8 A If the law implies that, then I would have to</p> <p>9 agree.</p> <p>10 <b>Q All right. I can tell you that the law that I</b></p> <p>11 <b>just described does, in fact, apply.</b></p> <p>12 MR. STEWART: And with that, Mr. Saitov,</p> <p>13 I have no further questions. Thank you.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 MR. FRANZ: I have no questions.</p> <p>16 MR. PIGNATO: Michael, I don't either.</p> <p>17 But I want, while we are on the record, to see if we can</p> <p>18 reach the same agreement we reached in the last</p> <p>19 deposition, and that is, the questions of -- the</p> <p>20 questions asked by Mr. Stewart I can use at trial if</p> <p>21 necessary, and, likewise, Mr. Stewart can use my</p> <p>22 questions at trial if he desires, can we do that again?</p> <p>23 MR. FRANZ: Stipulated.</p> <p>24 MR. PIGNATO: Thank you. I don't have</p> <p>25 anything further.</p>	<p style="text-align: right;">Page 71</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF OKLAHOMA )</p> <p>4 ) SS</p> <p>5 COUNTY OF OKLAHOMA)</p> <p>6</p> <p>7 I, MARTA MATTINGLY, Certified Shorthand</p> <p>8 Reporter within and for the State of Oklahoma, do hereby</p> <p>9 certify that the above-named ALEXANDER SAITOV was by me</p> <p>10 first duly sworn to testify the truth, the whole truth,</p> <p>11 and nothing but the truth, in the case aforesaid; that</p> <p>12 the above and foregoing deposition was by me taken in</p> <p>13 shorthand and thereafter transcribed; that the same was</p> <p>14 taken on April 5, 2023, via Zoom; that I am not an</p> <p>15 attorney for nor relative of any of said parties or</p> <p>16 otherwise interested in the event of said action.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my</p> <p>18 hand and official seal this 17th day of April 2023.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>25 MARTA MATTINGLY, CSR, RMR State of Oklahoma CSR No. 363</p>
<p style="text-align: right;">Page 70</p> <p>1 THE REPORTER: Is he going to read and</p> <p>2 sign?</p> <p>3 MR. FRANZ: Alex, would you like to read</p> <p>4 your testimony or waive your right to read the</p> <p>5 testimony? If you waive, all you are saying is that you</p> <p>6 believe the court reporter took down the testimony</p> <p>7 accurately.</p> <p>8 THE WITNESS: Yes, I am, I agree.</p> <p>9 MR. FRANZ: Okay.</p> <p>10 THE REPORTER: Eric, do you want to go</p> <p>11 off the record? And then I need a couple of spellings.</p> <p>12 (Deposition adjourned at 11:28 a.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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